

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

J. J. RICHARDSON et al.

Serial No. 09/432,498

Art Unit: 2643

Filed: November 2, 1999

Examiner: M. Ramakrishnaiah

For: Sensing Device for Monitoring Conditions
at a Remote Location and Method Therefor

CLARIFICATION OF THE AMENDMENT ACCOMPANYING
THE PETITION FILED FEBRUARY 13, 2003

Commissioner for Patents
Washington, D.C. 20231

April 22, 2003

Sir:

In the Remarks section of the above-identified Amendment, a statement was made: "[w]hile the submission of these figures [figures 3 A1-2 and 3 B1-3] was never stated [by the examiner] to constitute new matter, ... it has been determined that the submission of these drawings did indeed constitute new matter." Said amendment also included changes to the specification corresponding to these figures and a letter to the Official Draftsman to cancel these figures.

This statement is not an accurate portrayal of the facts of the prosecution history of this application. The actual facts are as follows.

In the first Office Action (January 9, 2001), the examiner objected to the originally filed drawings and stated that numerous claimed elements were not shown in the drawings. We provided the drawings with the reference numerals and in addition figures 3 A1-2 and 3 B1-3 in response to the examiner's objection.

The examiner approved the entry of the corrections to the originally filed drawings and the entry of the new figures. We also made amendments to the claims in response to the examiner's rejection.

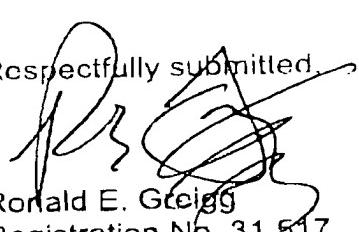
Eventually, the examiner sent a notice of allowance and the application was ready for issue, the issue fee set to be paid by January 8, 2003.

THERE WAS NEVER RAISED, IN THE PROSECUTION OF THIS APPLICATION, AN ISSUE OF NEW MATTER, however, we felt that this issue, if there is one, should be resolved so that a VALID patent is issued. In an effort to be extra cautious, we filed a petition to withdraw the application from issue with an amendment to cancel all claims dependent upon figures 3 A1-2 and 3 B1-3. In addition, we took these figures out by cancelling them and made corresponding changes to the specification. We plan to prosecute these and other claims in a CONTINUATION which has been already filed.

However, upon further review we note that a problem has arisen in the prosecution record of this application. The original specification makes a reference to some reference numerals which exist only in the cancelled figures. Without these figures, the description would not be complete.

To correct this problem, we propose that figures 3 A1-2 and 3 B1-3 NOT be cancelled, and they together with the corresponding changes to the specification

(proposed in said amendment) should be reinstated to make the disclosure complete. Claims to these figures would remain cancelled in this application, and will be prosecuted in the CONTINUATION wherein we will also like to resolve the issue of new matter, if indeed such an issue even exists. We do not believe that there is an issue of new matter; but, we would like to discuss it with the examiner and resolve it once and for all to insure the FUTURE VALIDITY of the patent which will issue from this application on this invention.

Respectfully submitted,

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Date: April 22, 2003

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